

COMMISSIONERS APPROVAL

CHILCOTT *✓*

LUND *BL*

THOMPSON *AK*

TAYLOR (Clerk & Recorder)

Date.....February 7, 2006

Members Present.....Commissioner Greg Chilcott,
Commissioner Betty Lund and Commissioner Alan Thompson

Minutes: Sally Fortino and Glenda Wiles

The Board of County Commissioners met to consider a variance request for the future Corvallis Tracts, Block 1, Portion of Lot 30D, AP. Present at this meeting was Planner Renee Van Hoven, and Civil Counsel James McCubbin.

Commissioner Lund read the following statement: Today's agenda includes one or more land use issues. Because of my years of service as Ravalli County Clerk & Recorder and now as Commissioner and because members of my family are involved in the real estate profession, I am providing this statement in the interest of full and open disclosure. My husband, son and brother-in-law are realtors who conduct business in this county. I do not participate in their real estate business or related matters except as the passive title owner of the building rented by their real estate business. Although connections with my family or their business and the land use issues facing us today are possible, I am not aware of any direct connections and thus do not believe I have any conflicts of interest arising out of my participation in today's meeting.

Renee presented a power point presentation and entered the Request for Commission Action into the record as follows.



REQUEST FOR COMMISSION

ACTION

OG-06-02-145

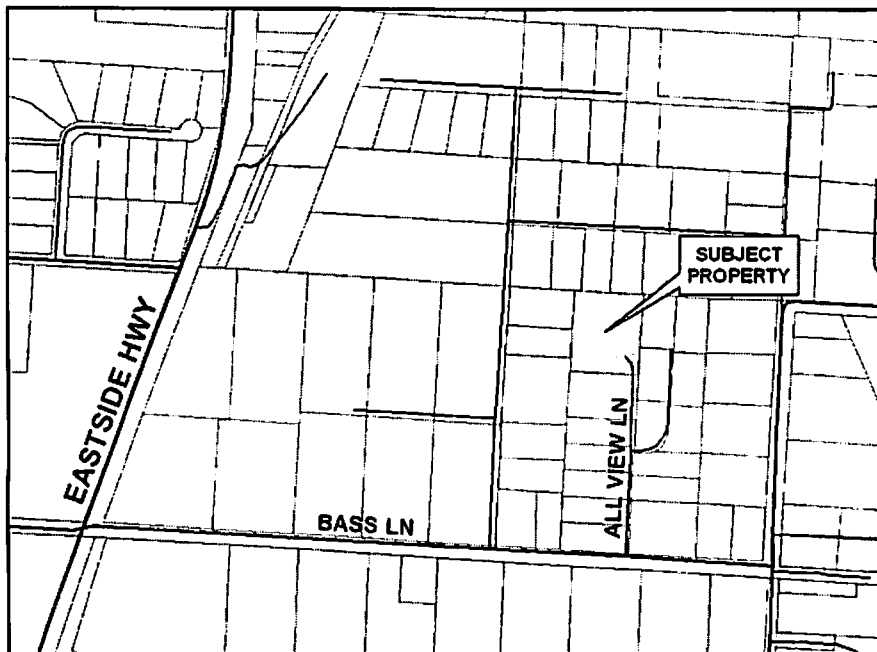
Site Visit: A site visit was not scheduled. The Board of County Commissioners (BCC) conducted a site visit for the first BCC Meeting regarding the Phillips Variance on December 13, 2005.
Meeting: February 7, 2006 at 9:00 a.m.
Request: To act on the Phillips Variance Request.

I. ACTION REQUESTED

This is a request from the applicant, William Dale Phillips, represented by Pat and Merl Baker, to approve the **Phillips Variance Request for a future amended plat of Corvallis Tracts, Block 1, Lot 30D.**

II. BACKGROUND

The property is located approximately four miles north of Hamilton off All View Lane (See Map 1).



Map 1: Location Map
(Source Data: Ravalli County Planning Department)

A similar variance request was previously requested by the applicant, from the Ravalli County Subdivision Regulations in place at the time of the original variance application submittal, which was June 7, 2005. During the review process, the Subdivision Regulations, specifically the sections pertaining to roads, were amended. The Deputy County Attorney recommended that the applicant submit a variance request from the new Subdivision Regulations, as amended August 4, 2005, so that the variance request would be reviewed under the same Subdivision Regulations that will most likely be applicable to a future subdivision proposal from the applicant. The Ravalli County Subdivision

Regulations are subject to change and there is no guarantee that this variance request will be applicable to a future subdivision proposal.

The variance request is for the potential future subdivision of Corvallis Tract, Block 1, and Lot 30D. The future subdivision proposal is anticipated to create two lots, as shown on the reduced plat included in the application packet.

All View Lane from Bass Lane to Wise's Way is currently a 20-foot wide, privately maintained gravel road within a 60-foot wide easement. From Wise's Way north to the subject property, All View Lane is a two-track road varying from 10 to 12 feet in width within a 30-foot wide easement.

The applicant is not proposing to improve All View Lane from Bass Lane to Wise's Way. The applicant is proposing to improve All View Lane, from Wise's Way to a future second lot on the subject property, to be a 20-foot wide gravel road within a 30-foot wide easement.

Staff is recommending denial of the variance request.

III. PLANNING BOARD RECOMMENDATIONS

Planning Board Meeting for Variance Request from Subdivision Regulations in place on June 7, 2005 (when application was submitted) – November 16, 2005

The Board made a motion to **approve** the variance request, with the conditions that road plans for the proposed extension of All View Lane are submitted with the subdivision application for a minimum 20-foot wide gravel road within a 30-foot wide public road and utility easement and that the neighbors work on a road maintenance agreement to improve the entire length of All View Lane. **The Board voted 7-0 to approve this motion.**

Planning Board Meeting for Variance Request from Subdivision Regulations in place on December 15, 2005 (when application was re-submitted) – January 18, 2006

The Board made a motion to **approve** the variance request, with the conditions that a written agreement requiring each of the two proposed lots to pay 1/15 of the cost to improve the portion of All View Lane from Bass Lane to Wise's Way at the time that All View Lane is paved, that the portion of All View Lane from Wise's Way to the proposed second lot on the subject property be constructed to be a 20-foot wide gravel road within a 30-foot wide public road and utility easement and dust abatement applied to this portion prior to final plat approval. **The Board voted 7-2 to approve this motion.**

Comments from the meeting are contained in the record.

IV. PLANNING BOARD'S RECOMMENDED MOTIONS

(Note: Changes to staff's recommended motions are in underline/~~strikeout~~.)

That the variance request from Sections 5-4-5(a), (b), and (e) of the Ravalli County Subdivision Regulations, to allow the portion of All View Lane from the intersection with Bass Lane to the intersection with Wise's Way to remain in its current condition and to allow the portion of All View Lane from Wise's Way to the future lot on this property to be constructed to be a 20-foot wide gravel road within a 30-foot wide easement, be ~~denied~~ approved, ~~based on the findings of fact and conclusions of law in the staff report~~ subject to the conditions as stated herein.

V. PLANNING BOARD'S RECOMMENDED CONDITIONS

1. An agreement that each proposed lot of a future subdivision of Corvallis Tracts, Block 1, Lot 30D pay 1/15 of the cost to improve the portion of All View Lane from Bass Lane to Wise's Way at the time of paving of All View Lane.
2. All View Lane, from Wise's Way to the most northern access of a future subdivision of Corvallis Tracts, Block 1, Lot 30D, shall be constructed with a 20-foot wide gravel travel surface within a 30-foot wide public road and utility easement.
3. Dust abatement shall be applied to All View Lane, from Wise's Way to the most northern access of a future subdivision of Corvallis Tracts, Block 1, Lot 30D, prior to final plat approval.

| | |
|--------------------------|--|
| REMAINING ISSUES: | None known. |
| FISCAL IMPACT: | No extraordinary fiscal impacts noted. |
| ATTACHMENTS: | Application package Staff Report Planning Board Meeting Minutes – November 16, 2005 Planning Board Meeting Minutes – January 18, 2006 BCC Meeting Minutes (Draft) – December 15, 2005 Additional public comment handed out at the Planning Board Meeting (January 18, 2006) |
| STAFF: | Renee Van Hoven |
| DATE: | February 2, 2006 |

Open to public comment:

Pat Baker, representative for Mr. Phillips, read a comment, including defining Mr. Phillips' desires for the property. Mr. Phillips has no opposition from any neighbors. The Road and Bridge Department has not stated any problems with the proposal. Public comment closed.

Board deliberation:

Commissioner Thompson said he made a motion last time to approve the variance with conditions; he had no questions.

Commissioner Lund said the Board went over everything thoroughly last time, and therefore has no questions.

Commissioner Chilcott suggested they go through the review criteria; some points are worth discussing.

Public health and safety:

Renee said the Corvallis Fire District said the road would be wide enough. There was some confusion with the width of the road. The Fire District's usual road width is 20' wide.

Commissioner Chilcott said based on prior conversations with fire districts; they can presume it is adequate. He suggested this be put into the finding: due to prior conversations with fire districts, the road is found to be adequate in width.

Commissioner Chilcott said dust abatement should serve the concern of the Board of Health. Mr. Phillips has agreed to pay 1/15th share of the cost to improve All View Lane, agrees with findings and conclusions on criteria for B and C.

Commissioner Lund said fences are a problem. Commissioner Chilcott said the fences are actions of the previous landowners.

Commissioner Chilcott said criterion 'D' is accurate, but dust abatement will suffice to fix the problem.

Pat Baker said it has been demonstrated that the road cannot connect with established roads.

Commissioner Chilcott said he doesn't see a connection of All View Lane connecting to Joseph Drive. Countywide policies 4.1 and 4.2 from the County Policy can be removed from the findings of Criterion D.

Commissioner Lund said Countywide Policy 4.4 is an agreement between Phillips and their neighbors, guaranteeing his financial assistance with the road.

Commissioner Thompson said putting the road through makes no sense where development has already occurred.

Commissioner Chilcott referred to Countywide Policy 3.2, and said dust palliative is supported by the growth policy. The Commissioners have already addressed Criterion E. There should be no additional cost to taxpayers. Conclusion of law would be no public costs anticipated.

Commissioner Chilcott said the next issue they need to address is the 20' travel surface within a 30' easement, but there are no specs.

Renee said this section is asking for an exception for road surface requirements.

Commissioner Chilcott said he is not comfortable saying any gravel surface is a road. It needs sub-base materials. Pat Baker agreed.

Commissioner Chilcott said the Board can define the easement as 30' and the travel surface as 20', but they must uphold the standards for road construction.

Commissioner Lund said if the road must be ditched, all fences would require being moved.

Commissioner Chilcott said there is no sense constructing a good road without drainage and grading.

Commissioner Lund suggested putting base and dirt on top in the area for emergency vehicles to turn around. Commissioner Chilcott said it doesn't have to be grand, but should have some provision.

Renee said they could request another variance when they get the subdivision through, by having an engineer draw up plans and request another variance at that time.

Commissioner Chilcott said they could grant a variance specific to gravel, with no paving and easement width and dust palliative; you would see whether it is sufficient to accommodate emergency vehicles; then bring forth a request for variance at that point.

Commissioner Thompson said the letter says a variance request is to make All View Lane meet County standards. It is asking that the road meet all standards except for paving and width. He feels costs would be excessive. He would suggest meeting County standards with the exception of paving and width.

Commissioner Chilcott said it would be 1/15th of the cost to improve All View Lane.

Commissioner Lund said if the applicant meets County standards except width and paving, the applicant is asking for a variance.

Commissioner Thompson said they would be granting a variance for width and paving. Commissioner Chilcott said it would be a 20' travel width, a 30' easement width, with dust palliative.

Commissioner Lund made a motion to approve the variance to allow the portion of All View Lane from the intersection with Bass Lane to the intersection with Wise's Way to remain in its current condition and to allow the portion of All View Lane from Wise's Way to the access of a future lot on this property to be constructed to meet County standards with the exception of a 20 foot-wide gravel road within a 30 foot-wide easement, subject to the conditions noted herein, to include application of dust abatement palliative, based on our findings of fact as amended here today. Commissioner Thompson seconded the motion and all voted 'aye'.

palliative, based on our findings of fact as amended here today. Commissioner Thompson seconded the motion and all voted 'aye'.

In other business the Board addressed leasing the three ambulances to Marcus Daly Hospital for a yearly fee. Commissioner Lund made a motion to approve the lease of the three ambulances as owned by the County to Marcus Daly Hospital, for the purposes of an ambulance service as run by the hospital for a \$10.00 fee per year. The motion died for lack of a second. Commissioner Thompson made a motion to approve the lease of the three ambulances as owned by the County to Marcus Daly Hospital for the purposes of an ambulance service as run by the hospital for \$2.00 per ambulance (total of \$6.00) for one year. Commissioner Lund seconded the motion and all voted "aye".

In other business the Board addressed the minutes of September 29, 2005. Planner Renee Van Hoven advised the Board an error in the minutes had occurred in the motion by Commissioner Thompson on the Sunset Orchards No. 3, Block 8, Lot 44B, in regard to the variance request which requires the developer to pay the pro rata share on Willoughby Lane from the intersection with South Sunset Bench Road to Eastside Highway being denied, when in fact the variance request was to approve of the pro rata share with the condition that pro rata be calculated and paid for a route to Eastside Highway via Pine Hollow Road. Commissioner Thompson made a motion to change the minutes as reflected above and the correction will be noted on the actual minutes. Commissioner Lund seconded the motion and all voted "aye".

Commissioner Lund made a motion to grant a leave of absence out of State for Clerk of Court Debbie Harmon until March 17th for medical purposes. Commissioner Thompson seconded the motion and all voted "aye".

Commissioner Lund made a motion to adopt Resolution No. 1797, which amends Resolution No. 1267 to include Julia Cooke's property into the Florence Fire District. Jeff Matthews submitted the original petition (the property now owned by Julia Cooke), and the legal description on the petition was in error by listing the lot, rather than the lot as the index. Commissioner Thompson seconded the motion and all voted "aye".

In other business, the Board addressed the three vacancies on the Animal Protection & Control Board. Also present was Peg Plat, Chairperson of this Board. Commissioner Thompson made a motion to appoint Sue Majors with a term ending December 31, 2008, Judy Graff with a term ending December 31, 2006 and Brenda Fisher with a term ending December 31, 2007, due to the resignations of previous Board members. Commissioner Lund seconded the motion and all voted "aye".

Mary Jane Fox of the State Mental Health Office introduced herself to the Board. Mary Jane is a Community Program Officer and discussed the program funding and crisis services provided by the State.

The Board met with 9-1-1 Department Head Joanna Hamilton for an update.

The Board met with Road Supervisor David Ohnstad for a road and bridge update. Issues of discussion included the fleet vehicles and replacement of the pickup trucks. The Board agreed David could move forward in the surplus declaration of the four pickups of concern and replace them with other used vehicles. Discussion included the dust abatement program. A continued discussion of this will occur on Friday, February 10th at 9:00 a.m. Other issues included off-premise signs, rural improvement districts and the Stevensville Gravel Pit.